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REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the February 11, 2003

5 Office Action, the Examiner Interview and the Interview Summary.

As explained above, claims 27, 32, 45, 46, 47, 48, and 52 are currently amended and claims 27-28, 30-32, 34-37, 41-46, 47-48 and 50-52 are pending.

Claim Rejections Under 35 USC §102(b)

10 Independent Claims 27, 47 and 52

Claims 27, 47 and 52 are currently amended. In the Office Action dated February 11, 2003 the Office rejected independent claims 27, 47 and 52 under 35 USC §102(b) as being anticipated by Nishishita (US 5,551,506) and independent claims 27 and 47 under 35 USC §102(b) as being anticipated by

15 Bridgnell (US 4,291,752).

As set forth in a "Continuation Sheet for Form PTOL-413A, Applicant Initiated Interview", dated May 16, 2003, Applicant set forth proposed amendments to the independent claims and reasons as to why such amendments should traverse the rejections under 102(b).

20 During the Examiner Interview, the Office agreed that the Nishishita reference did not disclose, teach or suggest a motion limiter extending radially from a tube to limit upward or downward axial motion of the tube. Therefore,

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the proposed amendments to independent claims 27, 47 and 52 include language that recites a motion limiter. For at least these reasons, Applicant submits that the currently amended independent claims 27, 47 and 52 are patentable over the Nishishita reference and other references of record.

5           During the Examiner Interview, the Office agreed that the Bridgnell reference did not disclose, teach or suggest a duct housing a core having a heat exchange portion wherein a load bearing member is positioned adjacent to the duct. Thus, Applicant suggested amendments in the Response that was not entered to independent claims 27, 47 and 52 that included language that  
10       recites a duct. While independent claim 52 was not rejected under 102(b) as being anticipated by the Bridgnell reference, Applicant suggested amendment of claim 52 solely for purposes of more clearly and distinctly claiming subject matter of the instant application.

          Applicant now supplements the Response to OA of February 11, 2003 by  
15       not making the suggested amendment reciting a duct. Applicant asserts that the claims without recitation of a duct are patentable over the Bridgnell reference. In particular, Applicant asserts that the Bridgnell reference fails to teach a tube in a core. More specifically, in Fig. 4 of the Bridgnell reference, item 28 is the outer plate of the plate stack (see, e.g., Fig. 2) and all items  
20       shown in Fig. 4 are exterior to the plate stack, i.e., the tube section item 24 does not enter the plate stack. The mechanism of Fig. 4 is to isolate the external tube section from the plate stack. The aforementioned claims recite a

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tube "*wherein at least a portion of the tube extends into the core*". Hence, the Brignell reference does not meet the requirements of a proper reference under 35 U.S.C. § 102, i.e., it does not disclose, teach or suggest all subject matter of the pending claims.

- 5           For at least these reasons, Applicant submits that the currently amended independent claims 27, 47 and 52 are patentable over the Bridgnell reference and other references of record.

Dependent Claims 28, 30-32, 34-37, 41-46, 48 and 50-51

- 10           The dependent claims 28, 30-32, 34-37 and 41-46 depend on independent claim 27. For at least the foregoing reasons pertaining to claim 27, Applicant respectfully submits that the dependent claims 28, 30-32, 34-37 and 41-46 are patentable over the references of record.

The dependent claims 48, 50 and 51 depend on independent claim 47.

- 15           For at least the foregoing reasons pertaining to claim 47, Applicant respectfully submits that the dependent claims 48, 50 and 51 are patentable over the references of record.

Claim Rejections Under 35 USC §103(a)

- 20           The Office rejected claim 44 under 35 USC §103(a) as being unpatentable over Nishishita in view of Ryoichi Hoshino (JP 406159969 A). Claim 44 depends on independent claim 27. Therefore, for at least the

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foregoing reasons pertaining to claim 27, Applicant respectfully submits that claim 44 is patentable over Nishishita in view of Ryoichi Hoshino and other references of record.

5 Claim Rejections Under 35 USC §112, ¶2

The Office rejected dependent claim 28 under §112, ¶2 as being indefinite. Applicant respectfully submits that the proposed amendments to independent claim 27 provide adequate antecedent basis for the subject matter of dependent claim 28, in particular, a first mount that is adjustable. For  
10 example, as currently amended, independent claim 27 now recites a motion limiter extending radially from the tube. Exemplary motion limiters and mounts are shown in Figs. 4, 5 and 6. In particular, Fig. 5 illustrates one embodiment of a mount 190 (e.g., a first mount). In this embodiment, a motion limiter 192 resides in a limiter channel 194 wherein the channel is at least in part defined  
15 by a retainer 196 secured by a retainer fastener 198. At page 19, lines 15-17, the instant application states: "The size and structure of the retainer 196 can vary and will be dependent upon the specific requirements of the use" (emphasis added). Applicant respectfully submits that for at least the foregoing reasons (i.e., the proposed amendments to claim 27 and the support in the  
20 instant specification), that the rejection under §112, ¶2 is traversed and that claim 28 is allowable over the references of record.

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Conclusion

Pending claims 27-28, 30-32, 34-37, 41-46, 47-48 and 50-52 are pending are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application.

- 5 Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

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GROUP 3700

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Respectfully Submitted,

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